IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL REVISION APPLICATION NO.367 OF 2002

Shravan Namdeo Patil : Petitioner.

versus

Deepak Ramchandra Choudhary

and ors. : Respondents.

Smt.Swati Sawant for the petitioner.

Mr.A.M.Shringarpure, APP, for the State.

CORAM : D.G.DESHPANDE,J.

DATED : MARCH 18, 2006.

P.C.

1. This Revision is filed by Petitioner Shravan Patil, who is the father of victim girl. By this revision he has challenged the order of acquittal of Respondent No.3 - Nilabai - the mother-in-law of his daughter Pooja. Respondent No.1-Deepak - the husband and Respondent

No.2-Ramchandra - the father in law have been convicted. But the trial Court acquitted Respondent No.3 - mother-in-law from the charges levelled under Sections 498-A and 306 of the Indian Penal Code. Hence this revision.

2. The counsel for the petitioner contended that in the evidence, the petitioner himself as P.W.1, has stated that his daughter Pooja had telephoned him and told him that she was subjected to cruelty "by the accused persons" as he failed to give Rs.50,000/- to them. Personally, Pooja told this fact to the father-complainant.

3. The trial Court, while convicting the husband and father-in-law, found that there were specific allegations against them in the evidence of mother of Pooja. But no such allegations are made against the mother-in-law - Respondent No.3 by the mother of Pooja. And the evidence of father (PW.1) is of general type or nature about all the accused causing harassment. The offences charged against the accused were under Section 498(A) and 306 of the Indian Penal Code. Section 306 was a serious offence and in any case the

prosecution has proved, beyond doubt, the involvement of the accused in the offences charged. A general complaint was made by Pooja to her father (PW.1) - the petitioner that she was being harassed by all the accused without specific reference to the mother-in-law and without attributing anything to the mother-in-law either in the harassment or in the abetment of suicide and this fact was rightly regarded by the trial Court as sufficient reasons for acquittal of Respondent No.3. There is no merit in this matter. The application is dismissed. It is clarified that the above observations made by this court are relating to the judgment only with reference to Respondent No.3 and they should not be held as the observations of this court in case of convicted accused.

[D.G.DESHPANDE]